

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

Chapter 11

ARTISANAL 2015, LLC,

Case No: 17-12319-jlg

Debtor.

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**ORDER DENYING DEBTOR'S MOTION OBJECTING TO
AC PENGUIN PRESTIGE CORP.'S MECHANICS LIEN**

UPON the motion of Artisanal 2015 LLC, the debtor and debtor in possession (the “Debtor”) in the above-referenced Chapter 11 case objecting to Penguin Prestige Corp.’s Mechanic’s Lien dated September 27, 2017 (the “Motion”), the Declaration of Sarid Drory, dated September 26, 2017; the Debtor’s Motion Pursuant to Bankruptcy Rule 9006(c) for Order Shortening Notice on Debtor’s Motion Objecting to AC Penguin Prestige Corp.’s Mechanics Lien; the Declaration of A. Mitchell Greene Pursuant to Local Bankruptcy Rule 9077-1 in Support of Motion Pursuant to Bankruptcy Rule 9006(c) for Order Shortening Notice on Debtor’s Motion Objecting to AC Penguin Prestige Corp.’s Mechanic’s Lien; the Order dated September 27, 2017 Granting Motion Shortening Notice on Debtor’s Motion Objecting to AC Penguin Prestige Corp.’s Mechanic’s Lien; Response of 387 Park South L.L.C. to Debtor’s Motion Objecting to AC Penguin Prestige Corp.’s Mechanic’s Lien; Opposition of AC Penguin Prestige Corp. dated October 3, 2017; the Declaration of Jose Rivera in Opposition to Motion Objecting to Mechanic’s Lien; Declaration of Steven Eichel in Support of Debtor’s Motion Objecting to AC Penguin Prestige Corp.’s Mechanic’s Lien; Declaration of Sarid Drory in Support of Debtor’s Motion Objecting to AC Penguin Prestige Corp.’s Mechanic’s Lien dated November 3, 2017; Declaration of Stephanie Schulman in Support of Debtor’s Motion Objecting

to AC Penguin Prestige Corp.'s Mechanic's Lien dated November 3, 2017; Declaration of Shimon Pariente in Support of Debtor's Motion Objecting to AC Penguin Prestige Corp.'s Mechanic's Lien dated November 6, 2017; Debtor's Response to AC Penguin Prestige Corp.'s Opposition to Motion Objecting to Mechanic's Lien dated November 7, 2017; Declaration of Elie B. Gold in Opposition to Motion Objecting to Mechanic's Lien; Affirmation of Salvatore J. Liga in Support of the Debtor's Motion Objecting to the Claim of AC Penguin Corp.'s Mechanic's Lien; and the Court's ruling on November 8, 2017; and after due deliberation and sufficient cause appearing therefor,

IT IS HEREBY ORDERED THAT:

1. For the reasons set forth on the record at the November 8, 2017 hearing, the Motion is denied without prejudice to the Debtor (i) objecting to a filed proof of claim by AC Penguin Prestige Corp. and (ii) commencing an adversary proceeding to determine the validity, priority or extent of the lien of AC Penguin Prestige Corp.
2. This Court shall retain jurisdiction to hear and determine all matters arising from or relating to the implementation of this order.

Dated: New York, New York
December 7, 2017

/s/ James L. Garrity, Jr.
HONORABLE JAMES L. GARRITY, JR.
UNITED STATES BANKRUPTCY JUDGE